

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.17704 OF 2006

DATED: 24.8.2006

BETWEEN:

G.Dasarah Bai and Others ... petitioners

And

The Commissioner,
Municipal Corporation of Hyderabad,
Secundrabad. ... Respondents.
And others.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.17704 OF 2006

ORDER:

The writ petition is filed for a writ of mandamus declaring the action of the respondents in trying to demolish the structures and occupy the land in Pr.No.8-4-394 and 395, Yerragadda, Hyderabad for the purpose of road widening, without acquiring the same under Land Acquisition Proceedings, as illegal, arbitrary and consequently direct the respondents not to demolish and take over the lands without following the due procedure and to pass such other suitable orders.

It is stated that the petitioners are absolute owners of 196 square yards of site alongwith house in Pr.No.8-4-394 and 395 Erragadda, Hyderabad having got the same through the registered gift settlement deeds dated 20.11.1981 bearing document No.2401 and 2402 of 1981. It is also stated that the respondent officials issued a notice dated 25.6.2005 asking the petitioners to surrender effected portion in the road widening. Then they made representation to the respondent to leave further 8 feet, as after effected portion they were left with only 3 feet portion and the same was not useful for any purpose. After considering their letter, the respondents addressed a letter to the petitioners stating that they can leave only 3 ½ feet, and that in view of the same they would be left with only 6 ½ feet site after effecting road widening and as the said portion was not useful for any purpose and nothing can be constructed in the said left over portion,

the petitioners asked the respondents to pay required compensation to the petitioners by taking the entire land. It is also stated that even though the petitioners requested the respondents to pay the compensation under the Land Acquisition Act, the authorities are threatening the petitioners by saying that first the petitioners should allow the respondent authorities to demolish the building and take over the land and then the respondents will see about the compensation. It is also stated that the respondents are bound to follow the procedure when the petitioners had not given consent for giving the land on free of cost. As per Sections 146 and 147 of the Hyderabad Municipal Corporation Act the respondents are bound to initiate land acquisition proceedings. Certain other factual details also had been narrated.

In the facts and circumstances of the case, it is needless to say that in the light of the representations made and also in view of the fact that the left over portion is said to be useful for any purpose, the respondents are bound to follow the procedure as specified by the provisions of the Hyderabad Municipal Corporation Act.

In view of the same, the writ petition is disposed of with a direction to respondent not to resort to any demolition activity unless and until the respondents follow the due process of law as per the provisions the Hyderabad Municipal Corporation Act 1955.

With the above direction the writ petition is disposed of. No order as to costs.

24.8.2006.

Mdaa.